

AMENDED IN ASSEMBLY MAY 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1480

**Introduced by Committee on Agriculture (Cardoza
(Chair), Florez, Reyes, Thomson, and Wiggins)**

February 26, 1999

An act to amend Section 51256 of, *and to add Section 51256.1 to*, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1480, as amended, Committee on Agriculture. Williamson Act: agricultural conservation easement.

~~Existing law~~

Under existing law, the Williamson Act authorizes a city or county, upon petition by a landowner, to cancel any contract if a city or county makes specified findings and the landowner pays a cancellation fee. The act also authorizes a city or county, upon petition by a landowner, to enter into an agreement with the landowner to rescind a Williamson Act contract in order to simultaneously place other land under an agricultural conservation easement if the legislative body of the city or county makes specified findings, including, among other things, that the proposed agricultural conservation easement is consistent with specified criteria.

This bill instead would require the legislative body to make ~~the finding~~ findings that the easement is consistent with specified eligibility criteria and ~~one or more~~ is evaluated

pursuant to specified selection criteria. The bill would make this a cancellation process, instead of a rescission process, that is subject to additional, specified findings and the payment of a cancellation fee.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51256 of the Government Code
2 is amended to read:

3 51256. Notwithstanding any other provision of this
4 chapter, a city or county, upon petition by a landowner,
5 may enter into an agreement with the landowner to
6 ~~repeal a contract~~ *cancel a contract pursuant to Section*
7 *51282* in order to simultaneously place other land under
8 an agricultural conservation easement, as defined in
9 Section 10211 of the Public Resources Code, provided
10 that the board or council makes all of the following
11 findings:

12 ~~(a) The agreement will not result in discontinuous~~
13 ~~patterns of urban development.~~

14 ~~(b) The agreement is not likely to result in the removal~~
15 ~~of adjacent land from agricultural use. In making this~~
16 ~~finding, the board or council shall consider testimony and~~
17 ~~other evidence presented by the owner or operator of~~
18 ~~agricultural operations on land adjacent to the contracted~~
19 ~~land.~~

20 ~~(c)~~

21 ~~(a) The proposed agricultural conservation easement~~
22 ~~is consistent with the eligibility criteria in Section 10251~~
23 ~~and one or more of the selection criteria in Section 10252~~
24 ~~of the Public Resources Code.~~

25 ~~(d) Section 10251 of the Public Resources Code.~~

26 ~~(b) The proposed agricultural conservation easement~~
27 ~~is evaluated pursuant to the selection criteria in Section~~
28 ~~10252 of the Public Resources Code, and the board or~~
29 ~~council makes a finding that the proposed easement will~~
30 ~~make a beneficial contribution to the conservation of~~
31 ~~agricultural land in its area.~~

(c) The land proposed to be placed under an agricultural conservation easement is of equal size or larger than the land subject to the contract to be ~~rescinded~~ *canceled*, and is equally or more suitable for agricultural use than the land subject to the contract to be ~~rescinded~~ *canceled*. In determining the suitability of the land for agricultural use, the city or county shall consider the soil quality and water availability of the land, adjacent land uses, and any agricultural support infrastructure.

~~(e)~~

(d) The value of the proposed agricultural conservation easement, as determined pursuant to Section 10260 of the Public Resources Code, is equal to or greater than 12.5 percent of the cancellation valuation of the land subject to the contract to be ~~rescinded~~ *canceled*, pursuant to subdivision (a) of Section 51283. The easement value and the cancellation valuation shall be determined within 30 days before the approval of the city or county of an agreement pursuant to this section.

~~(f) The agreement is approved by the Director of~~

SEC. 2. Section 51256.1 is added to the Government Code, to read:

*51256.1. No agreement entered into pursuant to Section 51256 shall take effect until it is approved by the Director of Conservation. The director may approve the agreement if he or she finds that the findings of the board or council, as required by ~~this section~~ Sections 51256 and 51282, are supported by substantial evidence, and that the proposed agricultural conservation easement is consistent with the *eligibility* criteria set forth in ~~Sections 10251 and 10252~~ Section 10251 of the Public Resources Code and will make a beneficial contribution to the conservation of agricultural land in its area. The director shall not approve the agreement if an agricultural conservation easement has been purchased with funds from the Agricultural Land Stewardship Program Fund, established pursuant to Section 10230 of the Public Resources Code, on the same land proposed to be placed*

1 under an agricultural conservation easement pursuant to
2 this section.

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